

patient's heart at a relatively higher rate during said inspiratory phase compared to said expiratory phase. [The method of pacing as described in claim 31,] further comprising the steps of obtaining pressure signals representative of the patient's right ventricular blood pressure, and generating said phasic rate control signals as a function of said pressure signals.

II. REMARKS

Support for the various amendments made to the claims herein may be found throughout the application as filed.

III. Objections and Rejections of Claims Made in the Final Office Action

In the communication from the Examiner mailed September 8, 1999, the Examiner objected to and rejected claims on the following bases:

- (1) Claim 36 was rejected under 35 U.S.C. 112, first paragraph, as subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is mostly nearly connected, to make and/or use the invention.
- (2) Claims 1, 2, 5-11, 14, 15 and 36 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- (3) Claims 1, 2, 5, 9, 18, 19, 26, and 29-32 were rejected under 35 U.S.C. 102(e), as being anticipated by Ekwall, (EP 0753324).
- (4) Claim 15 was rejected under 35 U.S.C. 103(a), as being unpatentable

over Ekwall.

(5) Claims 22-25, 34, and 35 were objected to as being dependent upon a rejected base claim.

Each of the foregoing objections and rejections is responded to below, where each response references the number corresponding to each objection and rejection set forth above.

IV. Responses to Objections and Rejections Made in the Final Office Action

(1) Claim 36 is canceled herein, thereby rendering moot the rejection made by the Examiner.

Claim 36 is canceled herein, thereby rendering moot the rejection made by the Examiner.

(2) Claims 1, 2, 5-11, 14, 15, and 36 are amended or cancelled herein to overcome the rejections made by the Examiner under 35 U.S.C. 112, second paragraph.

The Examiner rejected claims 1, 2, 5-11, 14, 15 and 36 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 2, 5, 9, 15, 18, 19, 26, 29-32 and 36 are canceled herein, thereby rendering moot the rejections of those claims made by the Examiner.

In accordance with the Examiner's requirements, claims 6-8, 10, 11 and 14 are amended herein so as to overcome the rejections made under Section 112, second paragraph.

(3) Claims 1, 2, 5, 9, 18, 19, 26, and 29-32 are cancelled herein to overcome the rejection made by the Examiner under 35 U.S.C. 102(c).

Claims 1, 2, 5, 9, 18, 19, 26 and 29-32 are cancelled herein to overcome the rejection made by the Examiner under 35 U.S.C. 102(c).

(4) Claim 15 is cancelled herein to overcome the rejection made by the Examiner under 35 U.S.C. 103(a).

Claim 15 is cancelled herein to overcome the rejection made by the Examiner under 35 U.S.C. 103(a).

(5) Claims 22-25, 34, and 35 are amended herein to overcome the objections made by the Examiner.

Claims 22-25, 34 and 35 are amended herein to overcome the objections made by the Examiner.

Applicants filed a Notice of Appeal on December 8, 1999. Applicants respectfully request that the Examiner pass on to issue the pending claims as amended herein, especially in view of the Examiner's indication that such claims would be allowable if appropriately rewritten to correct Section 112 deficiencies and to incorporate limitations appearing in rejected base claims.

Applicants notify the Examiner that a Continuation Application directed to rejected claims 1, 2, 5, 9, 15, 18, 19, 26, 29-32 and 36 will be filed shortly. Applicants also notify the Examiner that two Divisional Patent Applications directed to claims previously withdrawn from the present application will also be filed shortly.

Claims 6, 7, 8, 10, 11, 14, 22, 23, 24, 25, 34 and 35 remain pending in the application, and are believed to be in condition for allowance. Examination of the application as amended is requested.

The Examiner is respectfully requested to contact the undersigned by telephone at (612) 574-3652 with any questions or comments he may have.

Respectfully submitted,

Alexis Renirie et al.
Applicant
By their Attorneys,

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